

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9010 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

ALEMBIC CHEMICAL WORKS LTD.

Versus

HARIBHAI P. PATEL

Appearance:

1. Special Civil Application No. 9010 of 1992
MR KS NANAVATI for Petitioner No. 1
MR DIPAK R DAVE for Respondent No. 1
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CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 09/12/2002

ORAL JUDGEMENT

Heard Mr.Chudgar for Mr. K.S. Nanavati learned
advocate appearing for the petitioner and Mr.Dipak Dave

learned advocate appearing for the respondent - workman.

This petition under Articles 226/227 of the Constitution of India is directed against order dated 24th August, 1992 in Reference (L.C.V.) no.412 of 1992 below Exh.30 declaring departmental inquiry to be illegal and against the principles of natural justice.

Mr.Dipak Dave learned advocate for the respondent - workman has placed reliance on the decision in the case of Dinesh Mills Ltd., v. Kedarnath R. Pande reported in 39 (2) G.L.R. at page 1431 and contended that the present petition is not maintainable inasmuch as the Special Civil Application does not lie against the order declaring the departmental inquiry either legal or illegal.

Without entering into the merits of the impugned order this petition can be disposed of on the question of maintainability since the same is directed against the impugned order whereby the Labour Court declared the departmental inquiry to be illegal and against the principles of natural justice. The present case is covered by the principle laid down in the case of Dinesh Mills Ltd. (Supra). In the result the petition is dismissed as not maintainable. Rule is discharged. Interim relief is vacated with a direction to the Labour Court to decide Reference (LCV) no.412 of 1988 in accordance with law, preferably within six months from the date of the receipt of the writ of this order.

[N.G. NANDI, J.]
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